

REMARKS

Claims 3, 7, 9, 16, 19, 20, 26, 29, 30, 33, 34, and 37 have been amended. Claims 1-20, 22-30, and 32-37 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Request for Supervisory Examiner Review Pursuant to M.P.E.P. § 707.02:

Applicant notes that this is the seventh different Office Action asserted in this application without any substantive amendment having ever been made to many of the independent claims and without any continued examination. Applicant also notes that this application has been pending for over seven years and had been on appeal twice. Pursuant to M.P.E.P. § 707.02, Applicant requests that a Supervisory Patent Examiner review this application “with a view to finally concluding its prosecution.” According to M.P.E.P. § 707.02, this application “should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution.” As noted in Applicant’s remarks below, the application is clearly in condition for allowance. Applicant has carefully review all art cited by the Examiner and amended the claims where necessary to clearly distinguish over the cited art. **If there are any questions concerning the allowability of the present application, Applicant’s undersigned attorney earnestly requests a telephone conference with the Supervisory Patent Examiner to expeditiously resolve any outstanding issues.** Applicant further notes that due to its lengthy pendency this application “is to be considered ‘special’ by the examiner” according to M.P.E.P. § 707.02. Applicant also strongly objects to the “piecemeal examination” that has been applied to this application and which should be avoided per M.P.E.P. § 707.07(g). As stated in M.P.E.P. § 707.02, “the shortest path to the final disposition of any application is by finding the best references on the first search and carefully applying them.”

Section 103(a) Rejection:

The Examiner rejected claims 16, 18-20, 24, 26, 28-30, 33, 34, 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Shapira in view of what is well known in the art, claims 1-3, 5, 7-9, 11, 12, 14 and 15 as being unpatentable over Shapira in view of Gerace (U.S. Patent 5,991,735), claims 4, 10 and 13 as being unpatentable over Shapira in view of Gerace and further in view of Bodnar et al. (U.S. Patent 6,295,541) (hereinafter “Bodnar”), claims 17, 23, 27, 32 and 35 as being unpatentable over Shapira in view of Bodnar, claim 6 as being unpatentable over Shapira and Gerace and in view of Farrow et al. (U.S. Patent 6,374,295) (hereinafter “Farrow”), and claim 25 as being unpatentable over Shapira in view of Farrow. Applicant respectfully traverses these rejections for at least the following reasons.

Regarding claim 16, contrary to the Examiner’s assertion, Shapira in view of what is well known in the art fails to teach or suggest *storing one or more identifiers, wherein each identifier corresponds to a computer user accessing a web site, where each identifier comprises an Internet address and a time value, where the time value is associated with a launch of a web browser on a client computer system; receive a request from a first computer user to access the web site, wherein said request comprises a first identifier corresponding to said first computer user accessing said web site, wherein said first identifier comprises a first Internet address, and a first time value associated with a launch of a web browser on the client computer system; and identify said first identifier as a distinct computer user if said searching for said first identifier did not result in a match, wherein a match comprises a match between the first Internet address and the Internet address in one of said one or more stored identifiers, and a match between the first time value and the time value in the one of said one or more stored identifiers.*

The Examiner cited (in remarks regarding claims 2 and 3) column 5, lines 4 – 19 of Shapira as teaching the limitations regarding storing identifiers. The cited passage describes that when a visitor clicks on a link to request a web page, the click generates a traffic data hit, such as a request for a web server to provide the visitor with a particular

web page. In response, the web server sends a reply to the visitor including the requested web page. Nothing is mentioned regarding the request including a time value associated with a launch of a web browser on a client computer. In fact, nowhere does Shapira associate a time value with the launch of a web browser on a client computer. Instead, the only time value Shapira mentions is the time of the Internet request as stored in the web log (and as determined by the server). Shapira states in column 5, lines 40-45, “This entry 11a stores several important pieces of information. Entry 11a stores the remote visitor’s Internet address (visitor.sample.org), the time and date of the request ([12/Jan/1996:20:37:55], or Jan. 12, 1996, at 8:37:55 PM, Greenwich Mean Time, the request issued by the remote visitor 12 (Get/portal-ad.htm HTTP/1.0) and the referring URL.” There is nothing in this passage that indicates that such a time value is received in the requests themselves (i.e., as part of an identifier received with the request), as required by Applicant’s claim.

In addition, Shapira does not disclose using a time value associated with a launch of a web browser on the client computer system and included in a request to identify a first identifier as a distinct computer user, according to the limitations of Applicant’s claim. For example, there is nothing in Shapira that describes making this determination based on a match that comprises a match between the first Internet address and the Internet address in one of said one or more stored identifiers, and a match between the first time value and the time value in the one of said one or more stored identifiers. Instead, a visitor in Shapira is identified by their address and by the current request time, which is compared to stored values of visitors’ most recent hit times to determine if the request should be considered part of a new visitor session. Comparing a request time (determined by the server at the time of a request) to a most recent hit time is clearly not the same as comparing a time value associated with a web browser launch and included in a request to a stored time value associated with a web browser launch. **Therefore, Applicant asserts that the combination of Shapira and what is well known in the art does not teach all of the limitations of claim 16.**

The Examiner submits, “Shapira teaches the synchronization of time with the request of a web page but doesn’t specifically teach wherein the time value is associated with a launch of a web browser on the client system.” Applicant notes, however, that the Examiner has not cited anything in Shapira to teach such synchronization. The Examiner further submits, “It is well known in the art that browser applications can have a “home page” that is requested when the browser is launched. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to synchronize a browser time with a global standard when the browser is launched because if the teachings of Shapira’s synchronization with requested web pages were to occur with a ‘home page’ that was triggered by the launching of the browser application then it would be obvious that the launching of the browser application would start the process of synchronizing the time as described above.” Applicant asserts that the Examiner’s remarks are completely unsupported by the cited art. Shapira does not teach synchronization of time with the request of a web page, whether the request is for a home page or any other web page, and such synchronization is irrelevant to the above-referenced limitations recited in claim 16. **Even if the server of Shapira may determine the time at which a web browser was launched by determining the time at which a home page was requested, this does not teach the above-referenced limitations of claim 16 (e.g., that the request itself includes such a time value and that a comparison of such a time value is used to determine a unique user).**

Therefore, for at least the reasons above, the rejection of claim 16 is not supported by the cited art, and removal thereof is respectfully requested.

Claims 19, 30, 34, and 37 include limitations similar to those discussed above regarding claim 16, and so the arguments presented above apply with equal force to these claims as well.

As noted above, claim 16 does not recite synchronizing a browser time with a global standard clock, as suggested by the Examiner. Independent claims 20, 26, and 29, however, include the limitation, “wherein the time value reflects a time at which a

computer used by the first computer user to access the web site was synchronized with a global time standard,” or a similar limitation, and also include limitations involving comparing stored synchronization time values with synchronization time values received with a request. **However, as discussed above, Shapira in view of what is well known in the art fails to teach or suggest any such synchronization when a web site is launched, much less receiving a request that includes a time value reflecting a time at which a computer was synchronized with a global time standard, or comparing such a synchronization time values with stored synchronization time values.** Shapira describes that the time of a request may be stored in terms of GMT time. However, no synchronization would be necessary for the server to store the time in this way, since the server itself determines and stores the time itself. In other words, Shapira’s server does not receive a time value with a request at all, so it does not receive a time value that must be synchronized. In addition, there is nothing to suggest receiving an indication of a synchronization time with a request or that such an indication would be useful in Shapira’s system. Shapira’s system determines visitor sessions using a comparison with a most recent hit time, not any sort of synchronization event. Therefore, Applicant asserts that this limitation is also not taught or suggested by the cited art.

For at least the reasons above, the rejection of claims 20, 26, and 29 is not supported by the cited art and removal thereof is respectfully requested.

Regarding the rejection of claim 1, contrary to the Examiner’s assertion, Shapira in view of Gerace fails to teach or suggest *storing one or more records in a database, where each record comprises an Internet address and a time value, where each record corresponds to a different computer accessing the web site.* Shapira teaches a system that analyzes a web site’s log files that track every exchange of traffic data between the web site and other computers to match visitors with advertising campaigns and to determine the value or quality of visitors. The Examiner cites column 4, lines 27 – 50 and column 7, line 42 – column 8, line 6 of Shapira as teaching determining whether a matching record for said first Internet address and said first time value exists in said database. However, Shapira, whether considered singly or in combination with Gerace, fails to

mention anything regarding storing records in a database where each record includes an Internet address and a time value and where *each record corresponds to a different computer accessing the web site*. Instead Shapira teaches storing all traffic hit data in a log file. Specifically, Shapira teaches storing *every exchange* of traffic data between a web site and other computers over the Internet. In fact, Shapira teaches analyzing every hit from a visitor to determine the start and end of a visitor's session based on the time between hits. Shapira clearly teaches storing all traffic hit data in the web log (see, e.g., Shapira, column 2, lines 29-33; column 3, lines 25-31 and lines 45-53; column 5, lines 39-50 and line 56- column 6, line 2). Thus, Shapira's system does not include a database where each record corresponds to a different computer accessing the web site. Applicant asserts that Gerace, which was not relied on to teach this limitation, does not overcome the deficiencies of Shapira in teaching it.

Further regarding claim 1, Shapira in view of Gerace fails to teach or suggest **receiving a first request from a first computer to access the web site, sending a request for information to the first computer, where the information includes a first Internet address and a first time value corresponding to the first computer, receiving the information and determining whether a matching record for the first Internet address and the first time value exists in the database.** The Examiner admits that Shapira fails to teach sending a request for information including an Internet address and a first time value corresponding to the first computer in the context of receiving a request from the first computer to access a web site and determining whether a matching record for the Internet address and time value. The Examiner relies on Gerace, citing column 13, line 56 – column 14, line 25 and column 16, lines 45 –55, “stored locally on user's PC is a cookie”, “request for cookie”, and “newly built cookie is a unique user identification code, time and date of login, and computer identification number”. Gerace teaches requesting login information, such as a user name and password, from a user accessing a web site and then creating a cookie to store a unique user ID code, the time and date of login, and a computer ID number, which the Examiner submits could be interpreted as an Internet address. When a user requests a web page, the web server transmits a login advertisement screen view and a request for the cookie.

Shapira teaches that each time a computer accesses the web server, the traffic data history is stored in a log file. Each record in the log file includes the IP address and the date/time of the access (Shapira, column 4, lines 26-49). Shapira teaches that the log of hit information is then analyzed to assign qualification profiles to the visitor's session in order to evaluate the quality and/or value of the visitor. Shapira's system already includes determining the IP address and the date/time of access from the traffic hit data supplied when the client computer requests access to web pages. **Thus, there would be no need to modify Shapira's system to include the cookies of Gerace to collect this information.**

The Examiner contends it would have been obvious to combine Gerace with Shapira "because requesting a login from a user enables ... the system to identify who the specific user is and what their preferences are if they have set up an account." The Examiner further submits, "Also, it is well known in the art that utilizing a login and identification system enables a system added security from predators that are not privileged to specific information pertaining to a user." Applicant asserts that there is nothing in Shapira to suggest the need or usefulness of such a system. In fact, requiring user login by requesting user name and password would not make sense in Shapira's system. Shapira teaches a system for assigning various profiles to users accessing a web server in order to help determine the relative value of various advertising campaigns for a web site. Thus, Shapira is concerned with counting the various users accessing a web site via various advertising links to the web site. Requiring a user name and password would surely be counter to a system intended to determine the quality and value of visitors (not members) to a web site. Since the use of cookies and user registrations are typically considered to be intrusive to visitors, requiring user login by requesting a user name and password, as taught by Gerace would not make sense in a system designed to analyze visitors visiting a web site via advertising links, as taught by Shapira.

Therefore, for at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 9 and 15.

The Examiner rejected independent claim 12 for the same reasons as claims 1, 2, 3, 5, 7, and 8. Claim 12 includes limitations similar to some of those discussed above regarding claim 1. Therefore, the arguments presented above apply with equal force to this claim, as well. In addition, claim 12 includes limitations not recited in any of these claims. For example, claim 12 recites, “wherein the client computer system is operable to...execute a program to synchronize time,” which is not recited in claims 1, 2, 3, 5, 7, and 8, and is not taught by Shapira in view of Gerace. Since the Examiner failed to address the differences between claims 1, 2, 3, 5, 7, and 8, and claim 12, the Examiner has failed to state a *prima facie* rejection of claim 12.

For at least the reasons above, the rejection of claim 12 is unsupported by the cited art and removal thereof is respectfully requested.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicant respectfully submits that the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5596-00200/RCK.

Respectfully submitted,

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